

# SENATE BILL REPORT

## SB 5295

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As Reported By Senate Committee On:  
Human Services & Corrections, February 20, 2007

**Title:** An act relating to creating an office of corrections ombudsman.

**Brief Description:** Creating an office of corrections ombudsman.

**Sponsors:** Senators Kastama, Swecker, Fraser, Kohl-Welles, Marr, Regala, Rasmussen and McAuliffe.

**Brief History:**

**Committee Activity:** Human Services & Corrections: 2/09/07 2/20/07 [DPS-WM].

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### SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

**Majority Report:** That Substitute Senate Bill No. 5295 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell, Marr and McAuliffe.

**Staff:** Indu Thomas (786-7459)

**Background:** An ombudsman is an official who is charged with representing the interests of the public by investigating and addressing complaints reported by individual citizens. In most contexts, ombudsman refers to a state official appointed to provide a check on government activity in the interests of the citizens, and to oversee the investigation of complaints of improper government activity. If the ombudsman finds a complaint to be substantiated, he or she publishes a report to that effect. Ombudsmen do not have the power to initiate legal proceedings or prosecution on the grounds of a complaint. Ombudsmen examine complaints from outside of the state institutions that are being complained about.

In Washington State there are currently ombudsmen in five different areas. The Office of the Long Term Care Ombudsman, the Office of Children and Family Ombudsman and the Office of the Education Ombudsman are within the Governor's office. These entities are independent of the department secretaries and report directly to the Governor. Mental health ombudsmen work within the regional support networks (RSN). These individuals are independent of the RSNs and from one another. Finally the Office of Mobile Home Affairs provides ombudsmen services to mobile home park owners and mobile home tenants with respect to problems and disputes between park owners and park residents.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** This bill creates the Office of Corrections Ombudsman within the Governor's office. The ombudsman will operate independently of the Department of Corrections (DOC) Secretary. The ombudsman will be appointed by the Governor and confirmed by the Senate. The bill requires the DOC ombudsman to: (1) monitor the development and implementation of laws, regulations and policies; (2) provide information to the public regarding the state's correctional system; (3) provide information to the public regarding the rights and responsibilities of confined offenders and their families; and (4) to establish a system to receive, process, investigate and track complaints confidentially. The DOC is required to cooperate with the DOC ombudsman. The bill further provides immunity for the Office of Corrections Ombudsman and its employees for good faith performance of their duties.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Human Services & Corrections):** The definition of Offender is expanded to include individuals on supervision as well as those in custody. Members of the offender's immediate family are added to the list of individuals who may file complaints with the DOC ombudsman. The mission of the ombudsman is expanded to include rehabilitation and rights of offenders as well as the health and welfare. The use of neutral volunteers with appropriate professional backgrounds is authorized to investigate complaints. The ombudsman is permitted to accept donations

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: The DOC ombudsman will help assist the families of those who are incarcerated when they have concerns about their loved ones. The proposed legislation is also to help offenders. In addition, this bill will assist legislators who have become de facto investigators of complaints regarding the circumstances of confinement. The DOC ombudsman will provide a neutral party to review DOC practices and help the citizens of Washington. Family members need a neutral party to review these issues as they feel intimidated or fear reprisal against their family members who are offenders. The DOC ombudsman would provide a way for family members to share their concerns with a non-threatening neutral party. DOC would obtain information that they do not now receive which would enable them to improve services. The state can avoid much litigation if there is some neutral entity to investigate complaints.

**Persons Testifying:** PRO: Senator Kastama, prime sponsor; Bob Kastama, Edryce Reynolds, Lesta Rogers, Citizens for Responsible Justice; Daniel Clark, Friends Committee on Washington Public Policy; Beverly Disque, citizen; Beth Colgan, Columbia Legal Services Institutions Project.